IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 26171 of 2006(N)

PETITIONER:

K. RAGHAVAN, S/O. KOLADY,
KURICHIKKARAPOYIL HOUSE, P.O. CHOMBALA,
BADAKARA (U.D. CLERK, REVENUE DEPARTMENT,
(RETIRED.)

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   SECRETARY TO GOVERNMENT,
   DEPARTMENT OF REVENUE, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE COMMISSIONER,**
   LAND REVENUE, THIRUVANANTHAPURAM.

3. **THE DISTRICT COLLECTOR, KANNUR DISTRICT.**

***ADDL.R4 IS IMPLEADED:**

R4. THE ACCOUNTANT GENERAL,
KERALA, THIRUVANANTHAPURAM.

(*ADDL.R4 IS IMPLEADED AS PER ORDER DTD. 28/11/2006 IN I.A.NO.16455/06)

BY GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.26171/2006 N

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE REPRESENTATION DTD. 24/07/2000 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

EXT.P2: **COPY OF THE LETTER DTD. 19/07/2001 TOGETHER WITH LETTER ISSUED BY THE GOVERNMENT TO THE PETITIONER.**

EXT.P3: **COPY OF THE JUDGMENT DTD. 24/03/2006 IN O.P.NO.30481/2001.**

EXT.P4: **COPY OF THE REPRESENTATION DTD. 19/09/2006 FILED BY THE PETITIONER BEFORE THE GOVERNMENT.**

/TRUE COPY/

P.S.TO JUDGE

KSS

Antony Dominic, J.

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W.P(C).No.26171 of 2006

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Dated this the 7th day of August, 2007.

JUDGMENT

Petitioner, who had entered service on 3.5.1975 and retired from service on 31.5.2006, is seeking a direction to the respondents to pay the amount due to him towards P.F., commuted value of pension and the admitted part of D.C.R.G. after deducting the amount stated as the alleged liability. A criminal case is pending against him as C.C.No.17 of 2002 before the Enquiry Commission and Special Judge, Kozhikode and the case is yet to be finalised. In the meantime, petitioner is being paid provisional pension and pursuant to a direction of this Court, he has been paid P.F. as well.

2. In so far as his entitlement for the benefit of D.C.R.G., full pension and commutation value of pension are concerned, it is governed by the provisions contained in Rule 3(a) Part III of Kerala Service Rules and the proviso to Rule 3 Appendix X Part A of Pension (Commutation) Rules. In terms of those provisions,

so long as the judicial proceedings are pending against him, petitioner cannot claim the benefit of full pension, commutation value of pension or D.C.R.G.

In the result, no further reliefs can be granted to the petitioner. Accordingly, this Writ Petition is only to be dismissed and I do so.

Antony Dominic,
Judge.

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